

Appl. No. 10/663,333
Resp. dated September 13, 2005
Reply to Office Action of June 15, 2005

REMARKS:

In the office action, claims 1-18 and 25-32 were allowed. Claim 19 was rejected under 35 U.S.C. §102(b) as being anticipated by German Patent No. DE 101 08 493 issued to Obendiek ("DE '493"). Claims 20-24 were objected to as being dependent on a rejected base claim, but were deemed to be allowable is rewritten in independent form.

In this response, Applicants have amended claims 19, 20, 21, and 24. Claims 1-32 remain pending in this application. Reconsideration and withdrawal of the rejections and objections in view of the amendments and following remarks is hereby respectfully requested.

A. Allowable Subject Matter:

Claims 20-24 were objected to as being dependent on a rejected base claim, but were deemed to be allowable is rewritten in independent form. Applicants have rewritten claims 20, 21, and 24 in independent form including all of the limitations of claim 19 from which they depend. Claims 22 and 23 depend from claim 21, and therefore are now dependent from an allowable base claim.

Withdrawal of the objections to claims 20-24 is respectfully requested.

B. Rejections under 35 U.S.C. § 102(b):

Claim 19 was rejected under 35 U.S.C. §102(b) as being anticipated by DE '493.

DE '493, which is cited by the Examiner as a basis for a rejection for the first time, describes a convertible top having front roof part 4, middle roof part 5, and rear roof part 6. See Fig. 1.

Applicants have amended claim 19 to clarify that the first roof part in claim 19 is a middle roof part of the convertible vehicle top and the second roof part in claim 19 is a front roof part of the convertible vehicle top. Support for the amendment to claim 19 is found, for example, at paragraph [0053] and in Fig. 23.

Applicants respectfully request entry of the clarifying amendment to claim 19 despite final status of the rejections in view of the fact that DE '493 is being cited for the first time as a basis for rejecting claim 19. Applicants respectfully submit that the amendment clearly

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distinguishes claim 19 over the prior art of record and was not submitted earlier because DE '493 had not been previously cited as a basis for rejecting claim 19. See 37 C.F.R. 1.116 (b) and (c).

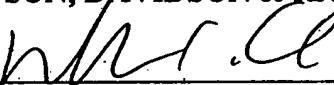
Applicants respectfully submit that DE '493 differs fundamentally from amended claim 19 in that the first roof part 4 of DE '493 is the front roof part of the vehicle (not the middle roof part as recited in claim 19) and the second roof part 5 of DE '493 is the middle roof part (not the front roof part as recited in claim 19).

Accordingly, withdrawal of the rejection to claim 19 under 35 U.S.C. §102(b) is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance. Should the Examiner feel that an interview would advance prosecution of the present application, the Examiner is invited to contact the undersigned.

Respectfully submitted,
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